APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,526	10/18/2005	Thomas Arend	08516.0012	7402

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EXAMINER
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ART UNIT	PAPER NUMBER
2114	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/522,526	AREND, THOMAS
	Examiner	Art Unit	
	Paul Contino	2114	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 April 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8,10 and 11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8</u> is/are rejected.

7)☒ Claim(s) <u>10 and 11</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>26 January 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

       1.☒ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION: Non-Final Rejection

Response to Arguments

1.   Applicant's arguments filed April 9, 2007, have been fully considered but they are not

persuasive.

The Examiner respectfully disagrees that the combined invention of Bajpai and Aslanian

et al. fails to teach of the amended limitations of the claims. Please see the following rejections,

which now address the newly amended claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-8 ~~and 10-11~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bajpai in view of Aslanian et al. (U.S. Patent No. 5,111,384).

As in claim 1, Bajpai teaches of a computer system comprising:

a main system that executes an application in cooperation with a human user *(Figs. 1 and 2; page 5 lines 3-5, where processor 10 is interpreted as a main system)*;

an auxiliary system to evaluate problems in the main system using a service module to collect problem related data from the main system *(Figs. 1 and 5; page 9 line 22 and page 10 lines 17-21, remote processor 12)*, wherein the auxiliary system determines a context of the evaluated problems *(Figs. 2,5; page 6 lines 21-24 and page 10 lines 17-27, where the auxiliary system 50 determines a context in order to decide which problem/solution database to confer with)*;

a knowledge module that stores the knowledge representations *(Fig. 5 #s 58 and 60; page 10 lines 1-2 and 24-27)* by classifying the knowledge representations into context groups, wherein each context group is classified according to at least one predefined context, and wherein the knowledge representations comprise entries for specific problem symptoms and corresponding solutions *(Fig. 2; page 6 lines 21-29, where there is a separate problem/solution database which pertains to each context which comprise the entirety of the knowledge representations)*; and

an inference module that processes problem related data with knowledge representations where the context of the evaluated problems is used to select at least one context group of the knowledge representations to identify solutions *(Fig. 5 #56; page 10 lines 24-27, where a context must be determined in order to retrieve information from the appropriate problem/solution database)*, wherein the inference module forwards the solutions through the service module to the main system *(page 11 lines 15-16)*.

However, Bajpai fails to teach of distinguishing versions of the main system. Aslanian et al. teaches of distinguishing versions of a main system *(column 2 lines 29-43, column 3 lines 38-43, and column 8 lines 23-38)*.

It would have been obvious to a person skilled in the art at the time the invention was made to have included the version distinguishing as taught by Aslanian et al. in the invention of Bajpai. This would have been obvious because the invention of Aslanian et al. offers a time and resource efficient means of utilizing an expert system and a knowledge representation base in order to solve a problem *(column 1 lines 66-68)*.

As in claim 2, Bajpai teaches the auxiliary system distinguishes context relating to the application *(Figs. 2,5; page 6 lines 21-24 and page 10 lines 17-27)*. Aslanian et al. teaches versions relating to the application *(column 2 lines 29-43, column 3 lines 38-43, and column 8 lines 23-38. It is interpreted that a fault brought about by the application will be remedied through distinguishing related context and versions)*.

As in claim 3, Aslanian et al. teaches the auxiliary system distinguishes context and versions by using a check lexicon in the knowledge module *(column 2 lines 29-43, column 3 lines 38-43, and column 8 lines 23-38, where the knowledge base and object data structures are interpreted as a check lexicon)*.

As in claim 4, Aslanian et al. teaches the check lexicon lists details for the knowledge representations, wherein the details depend on a version of the main system *(column 8 lines 35-37)*.

As in claim 5, Aslanian et al. teaches the check lexicon lists details for the knowledge representations, wherein the details depend on a version of the application *(column 8 lines 23-29)*.

As in claim 6, Aslanian et al. teaches the check lexicon lists details for the knowledge representations, wherein the details depend on the context of the problem *(column 8 lines 3-38)*.

As in claim 7, Aslanian et al. teaches the check lexicon lists details for the knowledge representations that depend on a version of the main system *(column 8 lines 35-37)*.

As in claim 8, Aslanian et al. teaches the check lexicon uses parameters for versions and context *(Fig. 3; column 8 lines 3-38)*.

Allowable Subject Matter

3.   Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10 and 11 are allowable over the prior art based upon the use of contexts to allow

for respective actions to occur.

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paul Contino whose telephone number is (571) 272-3657. The

examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFC
6/7/2007

SCOTT BADERMAN
SUPERVISORY PATENT EXAMINER